

**TESTIMONY OF THE SHEFF v. O'NEILL PLAINTIFFS IN SUPPORT OF THE  
SENATE BILL NO. 24, WITH SUGGESTED AMENDMENTS**

This testimony is submitted on behalf of the Plaintiffs in the lawsuit of Sheff v. O'Neill through their attorneys, Martha Stone, Executive Director of the Center for Children's Advocacy, Dennis Parker, Director of the Racial Justice Project of the ACLU, Vincent Southerland of the NAACP Legal Defense and Educational Fund, Inc., and Wesley Horton of Horton, Shields, and Knox. The Sheff Plaintiffs support this bill, but urge this Committee to strengthen it by amending several provisions to further address the achievement gap and comply with the principles and the goals of Sheff.

**I. SECTION 23 SHOULD BE AMENDED TO GRANT AUTHORITY TO THE  
COMMISSIONER OF THE STATE DEPARTMENT OF EDUCATION TO  
DECLARE THE NUMBER OF SEATS EACH SUBURBAN DISTRICT MUST  
MAKE AVAILABLE FOR THE OPEN CHOICE PROGRAM**

The Sheff Stipulation and Order approved by the Court and this legislature mandated that by year 5 of the Stipulation the State place a minimum of 41% of Hartford students in a reduced isolation setting, or satisfy 80% of the demand for such an educational opportunity.

The Sheff plaintiffs and the Commissioner of Education agree that to fulfill the Connecticut Supreme Court's mandate to reduce racial and ethnic isolation in Hartford's schools, and to meet the requirements of the June 2008 Court Order, the Open Choice Program must be expanded dramatically.

State officials have just completed a lottery determining which Hartford children will be granted the opportunity to receive a quality education in an integrated suburban school setting. Almost **4,000 Hartford children applied to be a part of the Open Choice program for this coming school year in 2011-2012.** Section 23 must be amended to bestow authority upon the State Department of Education Commissioner to mandate the number of Open Choice seats in each suburban district. Unless such authority is granted, based upon SDE's objective assessment of available seats, too many eagerly awaiting children will be turned away from this opportunity.

The history of Open Choice sadly supports this premise. While incentive grants for Open Choice were available to suburban districts this past year, and the Department of Education **sought 1,045 seats** from those districts, the districts offered only **386 new seats**. Given the political realities and concerns over local control, there is no reason to believe that funding incentives, by themselves, will cause the districts to significantly increase the number of seats necessary to meet the Sheff mandates. This is a striking and unacceptable discrepancy between the number of students who wanted an opportunity to be educated in a suburban school district and the number of seats offered occurred. It is particularly disturbing given the fact that shrinking suburban enrollments have led to a wealth of available excess seats.

**II. SECTION 52 (c) (3) SHOULD BE AMENDED TO INCLUDE “REDUCTION OF RACIAL AND ETHNIC ISOLATION” AS A NECESSARY CONSIDERATION BEFORE APPROVAL OF ANY NEW CHARTER SCHOOL IN THE SHEFF REGION, ALONG WITH PROVISIONS FOR INTEGRATED CHARTERS TO RECEIVE TRANSPORTATION AND CONSTRUCTION REIMBURSEMENTS SIMILAR TO MAGNETS.**

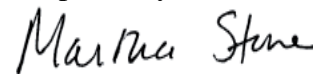
While the Sheff plaintiffs strongly support Open Choice and magnet schools, they are equally supportive of charter schools as a desegregation option, as evidenced by an explicit provision in the Sheff 2008 Court Order. Unfortunately, to date, the state has not provided for appropriate incentives to support this remedial provision, as charters are not given the same transportation and construction reimbursements. An amendment to the Bill could easily remedy this gap.

In the recent lottery, there were almost 6,000 Hartford children applying for a coveted spot in an integrated quality school and clamoring to leave a poor performing Hartford public school. The Governor’s Bill outlines considerations for charters, but Section 52 (c) (3) should be amended to add section (G), a requirement that any new charter school in the Hartford region which will be supported with state funding must demonstrate a commitment to the reduction of racial and ethnic isolation and be part of the Sheff menu of options to meet year 5 of the Court Order.

**II. SECTION 35 SHOULD BE AMENDED TO ADD PROVISIONS FOR INTEGRATED PRESCHOOL OPPORTUNITIES IN THE SHEFF REGION.**

Data recently released by the Capitol Region Education Council (CREC) demonstrates that the magnet schools can dramatically close the achievement gap. Indeed, there is virtually NO achievement gap in third grade reading scores in most of the CREC magnet schools. This has been accomplished in large part because the students have started with their particular magnets at age three or four and have benefitted from an integrated quality preschool program. To the extent that Section 35 of SB 24 addresses the enhancement and coordination of early childhood and preschool opportunities, it is extremely important that this section of the bill be amended to ensure that the State has, as its focus, integrated early learning environments. The State should not pour its limited funding into preschools that, from their inception, are segregated racially, ethnically, and economically. Instead, the Bill (and Governor’s budget) should be amended to put strong financial incentives in place to regionalize such programs.

Respectfully submitted,



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